
CONSENT

Bill No: AB 977
Author: Ramos (D), et al.
Amended: 7/8/25 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 7/16/25
AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Gonzalez, Laird

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: California Native American Graves Protection and Repatriation Act
of 2001: California State University: burial sites: human remains

SOURCE: Santa Rosa Rancheria Tachi Yokut Tribe

DIGEST: This bill requires the California State University (CSU) in consultation with California Indian tribes, to develop a policy for the reburial of Native American human remains repatriated by the CSU on land it owns.

ANALYSIS:

Existing federal law:

- 1) Creates the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, which, in part:
 - a) Requires federal agencies and institutions, including museums that receive federal funding, to repatriate “cultural items” to lineal descendants and culturally-affiliated Indian tribes and Native Hawaiian organizations, as provided;
 - b) Defines cultural items to include human remains, funerary objects, sacred objects, and objects of cultural patrimony, as specified;

- c) Declares that the Secretary of the Interior may assess civil penalties on museums that fail to comply;
- d) Establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands;
- e) Makes it a criminal offense to traffic in Native American human remains without right of possession or in Native American cultural items obtained in violation of the Act, as provided; and,
- f) Establishes penalties for trafficking in remains or cultural items, including up to 12 months imprisonment and a \$100,000 fine for first offender violations. (Public Law 101- 601; 25 U.S.C. 3001-3013)

Existing state law:

- 1) Establishes the CSU system, made of 23 campuses, and bestows upon the CSU Trustees, through the Board of Trustees, the power, duties, and functions with respect to the management, administration, and control of the CSU system. (Education Code § 66606 and 89030, et seq.)
- 2) Creates the CalNAGPRA, which, in part:
 - a) Applies the state's repatriation policy consistently with the NAGPRA;
 - b) Facilitates the implementation of NAGPRA with respect to publicly funded agencies and museums in California;
 - c) Encourages voluntary disclosure and return of Native American human remains and cultural items by a private institution or museum;
 - d) Stipulates that an agency or museum receiving a repatriation request shall repatriate human remains and cultural items, as specified; and,
 - e) Stipulates that if there is a committee or group of California Indian tribes authorized by their respective tribal governments to accept repatriation of human remains and cultural items originating from their state aboriginal territory or culturally affiliated with those tribal governments, the items may be repatriated to those groups. (Health and Safety Code Section 8010, et seq.)

This bill:

- 1) Requires, in alignment with the state and federal NAGPRA, the CSU, in consultation with California Indian tribes, develop a policy for the reburial of Native American human remains repatriated by the CSU on land it owns to do all of the following:
 - a) Require the CSU to consult on topics with California Indian tribes, including, but not limited to, all of the following:
 - i) Campus space or land availability and its location.
 - ii) California Indian tribes culturally affiliated with the potential reburial land.
 - iii) Long-term protection and stewardship responsibilities.
 - iv) Compliance with all applicable federal, tribal, state, and local laws.
 - v) Other burial-related topics as requested by consulting parties.
 - vi) Tribal cultural protocols access and use.
 - vii) Confidentiality.
 - b) Require that any proposed location for the reburial by the CSU be mutually agreed upon by the CSU and California Indian tribes culturally affiliated with the potential reburial land.

Comments

- 1) *Need for this bill.* According to the author, “The Legislature has passed various laws aimed at holding the California State University accountable when it comes to properly repatriating Native American remains and cultural items pursuant to NAGPRA and CalNAGPRA. In efforts to help facilitate the quick repatriation, AB 977 aims to address the issue of available land. In some cases, a tribal nation may have a claim on remains but they are unable to take immediate possession due to not having land available for a proper reburial. Our goal is to allow for a collaborative effort between tribes and the CSU system to identify three burial sites located in the northern, central, and

southern regions of the state to help facilitate the reburial of the remains and cultural items.”

- 2) *CSU and NAGPRA*. As noted in the background of this analysis, the federal NAGPRA and CalNAPGRA establish requirements for the protection, identification, handling, and repatriation of Native American human remains and cultural items from government agencies and museums, including CSU. CalNAPGRA establishes a process by which a lineal descendant or a California Indian tribe that meets certain criteria may claim a relationship with and request the return of human remains or cultural items held by an agency or museum with the Native American Heritage Commission. CSU has historically maintained a significant collection of hundreds of thousands of remains and cultural items. The CSU Chancellor’s Office had delegated accountability and oversight of federal NAGPRA and CalNAGPRA activities to the individual campuses. AB 389 (Ramos, Chapter 649, Statutes of 2023), among other things, sought to centralize and shift accountability and oversight of individual campus efforts back to system leadership. It did so by requiring the adoption and implementation of systemwide policies and reporting on the culturally appropriate handling of Native American human remains or cultural items.
- 3) *Audit Report*. AB 389 effectively codified recommendations issued on June 29, 2023, by the state Auditor on the CSU’s compliance with federal NAGPRA and CalNAGPRA. The report provides that, although the CSU Chancellor’s Office has taken steps recently to support the campuses’ repatriation efforts, it must take additional action to ensure that campuses prioritize compliance with federal NAGPRA and CalNAGPRA. The audit surveyed all 23 CSU campuses and conducted further on-site reviews at four: CSU Chico, Sacramento, San Diego, and San Jose. It found that of the 21 campuses with NAGPRA collections, more than half have not repatriated any remains or cultural items to tribes, and that two campuses that returned remains or cultural items did not follow NAGPRA requirements when doing so. The report notes that campuses generally lack the policies, funding, and staffing necessary to follow the law and repatriate their collections. The system had repatriated only 6 percent of its collections to tribes to date. As a result of the findings in the report, the Auditor issued specific recommendations to the Legislature and the CSU Chancellor’s Office and provided that the Legislature require annual reporting from the CSU on systemwide progress in reviewing its collections, consulting with tribes, and repatriating human remains and cultural items.

Currently, CSU campuses retain 2,231 ancestral remains in their possession. As compared to the total of 5,804 ancestral remains reported in the 2023 state audit.

Regarding cultural items, the state audit showed 692,400 cultural items with their collection. However, the 2024 state audit report indicated that number increased to 1.9 million. According to CSU, this growth is primarily attributed to extensive campus searches, new inventories, and improved reporting conducted over the past year. As of April 2025, the CSU has repatriated 73,335 cultural items this year—according to CSU, this achievement highlights both the volume and significance of the work being undertaken across the system.

- 4) *CSU draft policy and reburial.* On January 17, 2025, the newly established CSU Office of Tribal Relations in the Chancellor's Office presented a draft NAGPRA policy for the entire system to the Commissioners of the California Native American Heritage Commission during their public meeting. Following a 90-day consultation period, a second draft policy incorporated feedback from stakeholders provided during the consultation period. The June 2025 draft policy's section on reburial affirms the university's commitment to engaging with lineal descendants and culturally affiliated Indian tribes on the potential for identifying campus land as a reburial option. It further instructs each campus that only after the repatriation is completed through the transfer of control or possession of human remains or funerary objects, will formal steps be taken to initiate the reburial process on campus land. Formal steps may include a trust agreement, funding, and recording of the reburial site. The draft policy also directs campuses to communicate any legal limitations, as well as limitations in funding and the availability of land during the consultation period with lineal descendants and affiliated Indian tribes. It outlines topics for which consultation with tribes is necessary, including land, availability, location, tribal cultural protocols, access, and use. The list of topics included in the draft policy aligns closely with those specified in this bill. This bill also mandates that proposed sites for reburial must receive mutual agreement from CSU and California Indian tribes that are culturally affiliated with the potential reburial land.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/18/25)

Santa Rosa Rancheria Tachi Yokut Tribe (source)

California Faculty Association

California State University, Office of the Chancellor

Habematolel Pomo of Upper Lake
Society for California Archaeology

OPPOSITION: (Verified 8/18/25)

None received

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

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